

CGB-CC-1183

**GOODWILL CHURCH FOR EXEPTION
FROM CLOSED CAPTION REQUIREMENTS**

Section 79.1 of the Commission's Rules

Received & Inspected

JAN 23 2012

FCC Mail Room

To: Commission Secretary
Attention: Consumer & Governmental Affairs Bureau
Disability Rights Office
Federal Communications Commission

PETITION FOR EXEMPTION

Pursuant to the Notice of Proposed Rulemaking dated October 20, 2011, Goodwill Church respectfully Submits this petition for Exemption from the FCC Closed Caption Rules.

Pursuant to Section 79.1(f) of the Commission's Rules and Regulations, 47 CFR & 79.1(f), Goodwill Church, hereby respectfully requests an exemption from the closed caption requirements of the Commission's Rules and Regulations. The undersigned alleges as follows:

Goodwill Church respectfully submits this petition for Exemption from the FCC Closed Caption Rules, 47 CFR & 79.1(f), for a X hour long weekly services, broadcast on Sunday WFNA Channel 55 (hereinafter "is a Way Out") The Petition should be granted pursuant to, 47 CFR & 79.1(d) (8) and due to compliance with the closed caption likely resulting in infliction of an undue burden on Goodwill Church. Said undue burden would be contrary to the public interests.

The FCC's Rules expressly recognize that a waiver of the closed caption requirement is appropriate under several circumstances. Specifically, the Rules exempt any locally produces, non-news programming "with no repeat value". See 47 CFR & 79.1(d) (8). Unlike other "local religious programming" that FCC occasionally has found not to qualify under this provision, GOODWILL CHURCH is precisely the type of locally produced, nonnews programming that qualifies for this exemption.

THERE IS A WAY OUT is taped weekly at GOODWILL CHURCH and aired shortly thereafter. A threshold problem for GOODWILL CHURCH, therefore, is the closed caption process itself takes up significant time and most often would rob the weekly service of its topicality. This critical fact, coupled with the fact that the once run THERE IS A WAY OUT has "no repeat value" establishes, GOODWILL CHURCH'S entitlement to an exemption under 47 CFR & 79.1(d)(8).

Alternatively, the Rules provide for an exemption for any television station's broadcast programming that the FCC has determined to be exempt on the basis that the closed caption requirement would place an undue burden on the programming producer. See 47 CFR & 79.1(d). Moreover, the FCC Rules provide specific procedures for programming producers to petition for the FCC exemption based on the "undue burden" standard. See 47 CFR & 79.1(f).

In this case, GOODWILL CHURCH not only qualifies for exemption under 47 CFR 79.1(d) (8), *supra* but also fully meets the FCC requirements for an exemption based on the "undue Burden". Because of the imposition of the closed caption requirements with regard to THERE IS A WAY OUT where it presents substantial difficulties and crippling expenses for GOODWILL CHURCH.

GOODWILL CHURCH reasonably estimates that the cost of closed caption THERE IS A WAY OUT would be cost prohibitive resulting in the cancellation of the Sunday Service broadcasts. Goodwill Church has researched and found that the equipment and software required to produce closed caption process would exceed \$6,600.00 plus additional manpower hours. Out-Sourcing the closed caption process would cost an additional \$375.00 per week. We are currently only paying \$150.00 per week for the TV Air Time. The total cost of \$525.00 per week plus production costs would place an undo financial burden on the church.

GOODWILL CHURCH'S resources provide no cushion for additional annual expenses. It should be noted that, unlike other private programming providers, GOODWILL CHURCH is a non-profit, charitable entity.

The balance of the public interest factor is also strongly weighed in favor of FCC granting of an exemption to GOODWILL CHURCH under the undue burden standard. Without an exemption, the video broadcast of the Sunday Service may certainly have to be cancelled. The result-many homebound elderly and disabled worshippers in the Mobile/Baldwin County area would be denied the opportunity to practice their religion via television. These disenfranchised worshippers would include large numbers of disabled, sick and frail elderly residents in the Mobile/Baldwin County area who cannot otherwise attend weekly religious services and who are dependent upon GOODWILL CHURCH to satisfy their spiritual needs.

SWORN STATEMENT OF JEFFERY L. THRASH

State of Alabama
County of Mobile

Pastor J.L. Thrash, being sworn, does swear under penalty of perjury that:

1. My name is J.L. Thrash. I am a resident of Mobile County, State of Alabama, and I am the pastor of Goodwill Church of Prichard, Alabama.
2. I have read the foregoing Petition for Exemption submitted on behalf of Goodwill church which seeks an exemption from FCC Rules that generally require the closed captioning of certain programs broadcast on television stations in the United States.
3. I hereby verify that all of the factual statements contained in the Petition are correct including without limitation (a) all statements regarding Goodwill Church's locally produced There is a Way Out, which shall be broadcast on WFNA Channel 55, and (b) matters pertaining to Goodwill Church generally, including the inability of Goodwill Church to provide any additional funds for closed captioning services for There is a Way Out, as well as the quoted costs.
4. Finally, I affirm that without exemption from the Closed Captioning Rules, Goodwill Church likely would have to cancel production of broadcast of the There is a Way Out ON WFNA CW Channel 55.

Further Affiant sayeth not.



Pastor J.L. Thrash

Subscribed and sworn to before me on this 12 day of January, A.D., 2012

CONCLUSION: For the foregoing reasons an exemption from the FCC closed caption requirements for this weekly program THERE IS A WAY OUT Sunday Service is not only warranted but clearly such a result would best serve the public interests.

Respectively submitted,
GOODWILL CHURCH,

By: Jeffery L. Thrash

Jeffery L. Thrash
Apostle/Pastor/Spiritual Leader

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